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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DANIEL TONNEMACHER and KATHLEEN
8 TONNEMACHER,

9 Plaintiffs,

10 v.

11 JEREMI OSSMAN, Conservator; THE
12 LAKESHORE ASSISTED LIVING; BRENT
13 FEATHERSTON; JOHN FINNEY;
14 PATRICIA SCUTIER, personal representative
15 of Kenneth Tonnemacher; PRUDENTIAL
16 INSURANCE AGENCY; CAPITAL ONE
17 360; LUTHER PARK ASSISTED LIVING;
18 FIRST SUPERIOR COURT BONNER
19 COUNTY; STATE OF IDAHO ATTORNEY
20 GENERAL; FRED JOHNSTON, BK HILL,
LLC; STATE OF WASHINGTON
ATTORNEY GENERAL; COUNTY OF
KITITAS PROSECUTING ATTORNEY;
COUNTY OF BONNER PROSECUTING
ATTORNEY IDAHO; STATE BAR IDAHO;
STATE BAR WASHINGTON; UNITED
STATES TAXPAYER; IDAHO SUPREME
COURT; UNITED STATES SUPREME
COURT; ACLU; and DOES 1-20,

Defendants.

NO: 1:17-CV-3053-TOR

ORDER OF DISMISSAL
WITHOUT PREJUDICE

1 Plaintiffs are proceeding *pro se* and *in forma pauperis*. See ECF No. 13. On
2 July 7, 2017, Plaintiffs' Complaint was dismissed without prejudice and with leave
3 to amend. ECF No. 15. Plaintiffs were ordered to file an Amended Complaint
4 within 60 days. ECF No. 15. Plaintiffs were cautioned that their failure to amend
5 within 60 days would result in the dismissal of the entire case for failure to state a
6 claim under 28 U.S.C. § 1915(e)(2). ECF No. 15 at 10. Plaintiffs sought an
7 extension of time to file an amended complaint. ECF No. 16. The Court granted
8 the extension of time and allowed Plaintiffs 60 days from October 23, 2017 to file
9 an amended complaint. Although granted the opportunity to do so, Plaintiffs have
10 failed to amend their complaint. To date, they have failed to allege sufficient facts
11 to establish federal subject-matter jurisdiction. See *Broughton v. Cutter*
12 *Laboratories*, 622 F.2d 458, 460 (9th Cir. 1980) (citations omitted).

13 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
14 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
15 good faith standard is an objective one, and good faith is demonstrated when an
16 individual “seeks appellate review of any issue not frivolous.” See *Coppedge v.*
17 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
18 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
19 490 U.S. 319, 325 (1989).

1 The Court finds that any appeal of this Order would not be taken in good
2 faith and would lack any arguable basis in law or fact. Accordingly, the Court
3 hereby revokes Plaintiff's *in forma pauperis* status.

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 1. This case is **DISMISSED without prejudice** for failure to state a claim
6 under 28 U.S.C. §1915(e)(2)(B).


7 2. Plaintiffs' *in forma pauperis* status is **REVOKED**.

8 The District Court Executive is directed to enter this Order, enter judgment
9 of dismissal without prejudice, forward a copy to Plaintiffs, and **CLOSE** the file.

10 **DATED** February 14, 2018.



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THOMAS O. RICE
Chief United States District Judge